IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7626 OF 2005

Pololight Industries Ltd. .. Petitioner.
Vs
The Administrator,
Administration of Dadra &
Nagar Haveli & Ors. .. Respondents

Mr.T.N.Subramaniam with Mr.A.N.Jakhadi for the petitioner.
Mr.R.Asolkar for the respondents.

CORAM : V.G.PALSHIKAR,AG.C.J.&
D.B.BHOSALE, J.

DATED : 8TH DECEMBER, 2005.

P.C:

. By this petition, the petitioner which is a sick industry has challenged the action of Administration of Dadra & Nagar Haveli, Union Territory in disconnecting the electricity supply of the petitioner for certain irregularities.

2. The alternate remedy of efficacious nature is available to the petitioner and under that provision the petitioner is required to deposit 1/3rd of the alleged due claim so that the appeal can be entertained by the Appellate Authority. The liability as alleged by the respondent is Rs.96 Lakhs. The petitioner will have to deposit, therefore, a sum of Rs.32 Lakhs for the purpose of maintaining the appeal. The petitioner-company is

willing to do so. The petitioner-company has also given to the respondents two bank guarantees one of which is operative till year 2007 and other expires on 9th December, 2005. The petitioner states that he shall take immediate necessary steps for getting it extended atleast till year 2007.

3. The request of the petitioner is that on doing this respondents be directed to reconnect electricity connection so that unit can work and generate funds to reduce its liability to minimum. This request is opposed on behalf of the respondents on the ground that the petitioner should deposit entire money due as a condition precedent for granting fresh connection. In our opinion, when the appeal as remedy is provided for persons aggrieved by demands and that remedy requires to deposit 1/3rd amount of due claim, further condition of entire deposit of claim would be onerous. In such circumstances, in our opinion, interest of justice would be met by disposing of the petition by the following order:

(i) The petitioner to deposit sum of Rs.32 Lakhs with respondent no.1 within one week from today.

(ii) The petitioner to get bank guarantee expiring on 9th December, 2005 extended by two years.

(iii) On such deposits being made the respondent shall immediately reconnect electricity supply to the petitioner. The petitioner to undertake to keep bank guarantees available for his proper conduct and utilisation of electricity supply started afresh as also for payment of dues which may arise out of fresh connection.

(iv) The section providing for appellate remedy itself stipulates the period within which the appeal is to be decided hence the appellate authority is directed to decide the matter within stipulated period.

. In view of the aforesaid order nothing further remains in the petition. The petition is, accordingly, disposed of.

(D.B.Bhosale, J.) **(V.G.Palshikar,AG.C.J.)**